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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,938

12/11/2003

Ivan Gardos

8704

41840

7590

06/13/2006

RINES & RINES

24 Warren St.

CONCORD, NH 03301

EXAMINER

BRINSON, PATRICK F

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,938

Applicant(s)

GARDOS, IVAN

Examiner

Patrick F. Brinson

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Objections*

1. Claim 17 is objected to because of the following informalities: Claim 17 recites “said valves” without proper antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,271,521 to **Hauser**.

The patent to **Hauser** discloses an apparatus for feeding two synthetic resin components and includes a pair of piston pump cylinders (4) having chambers that are adapted alternatively to dispense the fluid filled therein through a common dispensing outlet (8). The apparatus comprises a fluid supply (1) for initially fluid-filling both pump cylinders and means for controlling the dispensing of fluid from one pipe cylinder to the outlet at a predetermined dispensing pressure and predetermined dispensing rate. It is disclosed that the piston pump cylinders include chambers (6,7) and as one pump chamber (6) is filled, the other pump chamber (6) is

emptied. It is also disclosed that the sensors (18) on the pump cylinders detect the stroking of the respective pistons and feed the information to the controller (12). The stroke of the piston represents a displacement of a predetermined quantity of the representative fluid through the pump device allowing the controller to compare the actual volume/time rate of flow in the cylinders with the volume/time rate of flow as determined by the timers (11) for the pumps (2). Therefore, inherently the controllers accelerate and decelerate the fluids so as to maintain constancy of the predetermined fluid dispensing rate at the outlet. It is also disclosed that any leakage along the flow path at any location in the system can be detected, thus fluid pressure is also detected.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 6, 13, 15 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over **Hauser** in view of U.S. 6,348,124 to **Garbett et al.**

The patent to **Hauser** does not specifically disclose the motors used to control the pistons as step motors controlled by a microprocessor control. The patent to

**Garbett et al.** discloses a delivery process for delivering a slurry including a plurality of piston pump cylinders and a plurality of step motors (76) that are controlled by electronic controller (78). It is disclosed that the controller can be implemented using an appropriately programmed general-purpose computer, microcomputer or special purpose computer. Each step motor is coupled to the controller that provides signals to establish the rate at which the motor drives the displacement of the piston, and thus dispenses the corresponding slurry constituent. The controller can be programmed to cause dispensing of each slurry at a fixed or variable rate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the means to drive the piston pumps of **Hauser** to include a step motor and a microprocessor-control as suggested by **Garbett et al.** in order to alternatively dispense the fluid from the cylinders at a predetermined rate and to thus assure that the pressure throughout the fluid path remains constant.

***Allowable Subject Matter***

4. Claims 7-10 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Noss et al., Fiorentini, Gardos, Gardos et al., Haeuser et al., and Wagner et al. are all pertinent to Applicant's invention in disclosing devices for dispensing two fluids through a single dispensing nozzle. The patent to Hoover et al. and the Watson publication are pertinent to Applicant's invention in disclosing step motors in fluid dispensing systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrick F. Brinson  
Primary Examiner  
Art Unit 3754

P. F. Brinson  
June 8, 2006